United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009

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TO: ***Fax No.:***

Mr. Daniel Borunda — 1-619-662-7607

FROM: ***Fax No: (760) 431-5902***
Phone No.: (760) 431-9440

Carolyn Lieberman

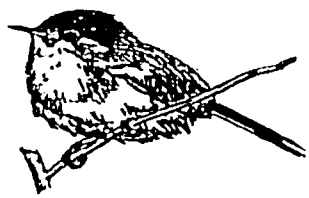
SUBJECT:

IBWC Compliance DEIS

COMMENTS:

If you have any have problems receiving this fax, please call (760) 431-9440, extension 284. Thank you.

California Gnatcatcher



The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish and wildlife and their habitats for the continuing benefit of the American people.

TAKE PRIDE IN AMERICA

United States Department of the Interior

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Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009

In Reply Refer To:
FWS-SDG-3795.2

FEB 2 8 2005

Mr. Daniel Borunda, Environmental Protection Specialist
Compliance Section
USIBWC
4171 North Mesa Street, C-100
El Paso, Texas 79902

Dear. Mr. Borunda:

The U.S. Fish and Wildlife Service (Service) has reviewed the United States Section of the International Boundary and Water Commission's (IBWC) Draft Supplemental Environmental Impact Statement for Clean Water Act Compliance at the South Bay International Wastewater Treatment Plant (DEIS), dated December 2004. The DEIS analyzes the impacts of alternatives for the South Bay International Wastewater Treatment Plant (SBIWTP) to treat sewage flows from Tijuana, Mexico that cross into the United States along the United States/Mexican border in San Diego County. Currently, the SBIWTP operates and discharges at the advanced primary treatment level and cannot meet all the requirements of the Clean Water Act and its National Pollutant Discharge Elimination System (NPDES) permit, including secondary treatment requirements. Alternatives range from providing secondary treatment of wastewater at the SBIWTP to building a secondary treatment plant in Mexico in which wastewater would be transferred between the SBIWTP and the Mexican treatment plant for treatment and discharge.

The Service's operates under the authority, and in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C. 661 et seq.), the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.), and other authorities mandating Department of Interior concern for environmental values.

The preferred alternative, Alterative 4 Option C (Bajagua LLC, Proposal), would continue to have primary treatment conducted at the SWIWTP with the resulting wastewater pumped to Mexico for secondary treatment, and then pumped back to SBIWTP for discharge at the South Bay Ocean Outfall (SBOO). The preferred alternative would require construction, operation and maintenance of extensive infrastructure between the United States and Mexico. Project features in America include construction and operation of: (1) a new pump station at the SBIWTP site; and (2) 800 feet of the project's force main and return flow pipeline in America. Project features in Mexico include construction and operation of: (1) a 12.5 mile force main for conveying primarily-treated effluent along to the Bajagua treatment facility; (2) a pump station and 6.5 mile force main for conveying raw wastewater from the Tijuana sewer system to Bajagua wastewater treatment facility; (3) the return pipeline conveying secondary-treated effluent back to the

SBIWTP; and (4) the Bajagua treatment facility. Impacts to biological resources associated with the preferred alternative include: (1) impacts to non-native grassland from construction of pipelines connecting SBIWTP and the Bajagua Project treatment plant site; (2) disturbance of least Bell's vireo (*Vireo bellii pusillus*) from construction traffic noise along the transportation routes to the SBIWTP site; (3) impacts to southwestern willow flycatcher (*Empidonax traillii extimus*) and least Bell's vireo from construction of eastern pipeline corridor in Mexico; and (4) loss of up to 33-acres of annual grassland at Bajagua Project treatment plant site.

We recommend that IBWC choose the alternative with the least direct and indirect impacts to sensitive biological resources while bringing the SBIWTP into compliance with the Clean Water Act. The preferred alternative does not meet this criterion. Other alternatives exist that bring SBIWTP into compliance and benefit water resources while impacting less biological resources. For example, as shown in Table 2.5-1 (Summary of Environmental Impacts for Alternative Treatment and Discharge Options for Clean Water Act Compliance at the SBIWTP) of the DEIS, Alternatives 5 and 6 could bring the SBIWTP into compliance with less impacts to biological resources, and with respect to Alternative 5, significantly less cost.

Both the preferred alternative (Alternative 4 Option C) and Alterative 6 result in additional benefits to water resources, but Alternative 6 has fewer impacts to biological resources. Alternative 6 includes providing secondary treatment facilities in both the United States and in Mexico. Impacts associated with Alternative 6 include loss of up to 30 acres of non-native grassland at the SBIWTP site, whereas impacts associated with the preferred alternative include impacts to 113.7 acres of vegetation communities, including 33 acres of non-native grassland, and impacts to federally listed species potentially located along the Alamar River [e.g., least Bell's vireo, southwestern willow flycatcher, and arroyo toad (*Bufo microscaphus californicus*)] and at the Bajagua site [e.g., Otay tarplant (*Hemizonia conjugens*), Quino checkerspot butterfly (*Euphydryas editha quino*), San Diego thornmint (*Acanthomintha ilicifolia*)]. The two alternatives are comparable in price [the costs for Alternative 6 ranges from $122.9 to 183.6 million for initial capital costs and $15.7 to 18.5 million annually for operation and management, and the costs for the preferred alternative (Alternative 4 Option C) range from $133.8 to $177.9 million for the initial capital costs and $14.8 to $19.6 million annually for operations and management]; both benefit water resources; and, Alternative 6 impacts less biological resources. Therefore, Alternative 6 should be the preferred alternative in the Final EIS.

If Alternative 4 Option C continues to be the preferred alternative, we are concerned that potential impacts to Otay tarplant, Quino checkerspot butterfly, San Diego thornmint, and vernal pools that potentially occur at the Bajagua site and impacts to least Bell's vireo, southwestern willow flycatcher, and arroyo toad that potentially occur along the Alamar River have not been adequately addressed by the DEIS. Although it is suggested that the probability for Otay tarplant, San Diego thornmint, and Quino checkerspot butterfly to occur at the Bajagua site is limited, we are unable to concur because only two site assessments have been conducted in Mexico and the reports for the site assessments were not provided in the DEIS for our review.

We recommend that appropriate surveys be conducted for these sensitive species and the reports provided in the Final EIS. More specifically, on the Bajagua site: (1) a habitat site assessment

for Quino checkerspot butterfly should be conducted by someone familiar with habitat for the butterfly and if appropriate habitat exists on-site, Service protocol surveys should be conducted for the butterfly; (2) appropriate timed survey for spring blooming annuals should be provided for sensitive plants species, including Otay tarplant and San Diego thornmint; (3) surveys for vernal pools should be conducted during the wet season to determine if vernal pools, which are often associated with the above listed species, occur on site. Along the Alamar River, Service protocol surveys should be conducted for least Bell's vireo, southwestern willow flycatcher, and arroyo toad. If these species occur on site and are potentially affected by the proposed project, we recommend that the project be designed to avoid direct and indirect impacts to these species and that unavoidable impacts be mitigated. To minimize impacts to the Alamar River, we recommend that a buffer of at least 100 feet be provided between the pipeline and the wetlands. We are willing to work with the IBWC on developing avoidance and minimization measures.

We appreciate the opportunity to comment on the DEIS. Please contact Carolyn Lieberman at (760) 431-9440 ext 240 if you have any questions or comments concerning this letter. We look forward to coordinating with you in the future.

Sincerely,

for Therese O'Rourke
Assistant Field Supervisor

Cc: Elizabeth Borowicc, Environmental Protection Agency
David Hanson, Regional Water Quality Control Board
Bill Paznokas, California Department of Fish and Game